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19 *Attorneys for Defendants BioLife Plasma Services L.P.
and Takeda Pharmaceuticals U.S.A., Inc.*

20 [Additional Counsel Listed on Signature Page]

21
22 UNITED STATES DISTRICT COURT
23
24 EASTERN DISTRICT OF CALIFORNIA

25
26 EVAN WOOTEN, and SARKIS OGANYAN,
27 individually and on behalf of all others
28 similarly situated,

Plaintiffs,

v.

BIOLIFE PLASMA SERVICES L.P. and
TAKEDA PHARMACEUTICALS U.S.A.,
INC.,

Defendants.

Civil Case No.: 1:25-cv-00099-KES-SKO

**JOINT STIPULATION AND ORDER TO
SUBMIT SUPPLEMENTAL BRIEFING AND
CONTINUE HEARING ON DEFENDANTS'
MOTION TO DISMISS**

Honorable Kirk E. Sherriff

1 Pursuant to Civil L.R. 143, Defendants BioLife Plasma Services L.P. and Takeda
2 Pharmaceuticals U.S.A., Inc., along with Plaintiffs Evan Wooten and Sarkis Oganyan, respectfully
3 submit the following joint stipulation to submit limited supplemental briefing in connection with
4 Defendants' pending motion to dismiss addressing the impact of the Ninth Circuit's precedential opinion
5 in *Popa v. Microsoft Corporation*, __ F.4th __, 2024 WL 2448824 (9th Cir. Aug. 26, 2025), and to
6 continue the September 8, 2025 hearing on Defendants' pending motion to dismiss to allow sufficient
7 time to submit supplemental briefing.

8 **STIPULATION**

9 WHEREAS, Plaintiffs filed the operative First Amended Complaint on May 9, 2025 (ECF No.
10 17);

11 WHEREAS, on June 6, 2025, Defendants moved to dismiss Plaintiffs' First Amended Complaint
12 (ECF No. 19), which was fully briefed as of July 27, 2025 (*see* ECF No. 20, 22);

13 WHEREAS, the hearing on Defendants' motion to dismiss is currently set for September 8, 2025
14 (*see* ECF No. 19);

15 WHEREAS, on August 26, 2025, the Ninth Circuit issued a precedential opinion in *Popa v.*
16 *Microsoft Corporation*, __ F.4th __, 2024 WL 2448824 (9th Cir. Aug. 26, 2025), affirming the dismissal
17 of a website wiretapping claim for lack of Article III standing and clarifying the requirements for Article
18 III standing;

19 WHEREAS, on August 27, 2025, Defendants notified Plaintiffs that they believe the Ninth
20 Circuit's *Popa* decision requires dismissal of Plaintiffs' claims, and Plaintiffs responded that they
21 disagree with Defendants' position but do not dispute Defendants' right to bring this new authority to
22 the Court's attention;

23 WHEREAS, the parties have conferred and agree that it would be efficient to submit limited
24 supplemental briefing addressing the impact of the Ninth Circuit's *Popa* decision and to continue the
25 hearing on Defendants' motion to dismiss to allow sufficient time for the parties to submit and the Court
26 to consider this supplemental briefing;

27 WHEREAS, this request is made in good faith and not for the purpose of unnecessary delay;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE, subject to the Court's approval, as follows:

1. The Parties shall each file by **September 12, 2025** a supplemental brief of no more than five (5) pages addressing the impact on Plaintiffs' claims of the Ninth Circuit's opinion in *Popa v. Microsoft Corporation*, __ F.4th __, 2024 WL 2448824 (9th Cir. Aug. 26, 2025).

2. The hearing on Defendants' motion to dismiss Plaintiffs' First Amended Complaint currently set for September 8, 2025 shall be continued to **October 6, 2025**, or another date convenient for the Court's schedule.

1 DATED: August 28, 2025

COVINGTON & BURLING LLP

2 By: /s/ Matthew Q. Verdin

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14 *Attorneys for Defendants BioLife Plasma Services
L.P. and Takeda Pharmaceuticals U.S.A., Inc.*

15 DATED: August 28, 2025

BURSOR & FISHER, P.A.

16 By: /s/ Joshua B. Glatt (as authorized on
17 8/28/2025)

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ORDER

Pursuant to stipulation, and for good cause shown, the Court orders as follows:

1. The Parties shall each file by **September 12, 2025** a supplemental brief of no more than five (5) pages addressing the impact on Plaintiffs' claims of the Ninth Circuit's opinion in *Popa v. Microsoft Corporation*, __ F.4th __, 2024 WL 2448824 (9th Cir. Aug. 26, 2025).

2. The hearing on Defendants' motion to dismiss Plaintiffs' First Amended Complaint, Doc. 19, currently set for September 8, 2025, shall be continued to **October 6, 2025 at 1:30 p.m.**

IT IS SO ORDERED.

Dated: August 29, 2025

Keith S. Murphy

UNITED STATES DISTRICT JUDGE